

Remarks

In the Office Action, the Examiner has rejected claims 1-11. Particularly, claims 1-11 were rejected under 35 U.S.C. §112, second paragraph; claims 1-3, 5, 6, 8, and 9 were rejected under 35 U.S.C. §102(b) as being anticipated by Briggs et al. ("Briggs"); and claims 4, 7, 10, and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Briggs. Claim 1 has been amended to overcome the Examiner's §112, second paragraph rejection and to better clarify Applicant's claimed invention. The Applicant's undersigned Attorney respectfully asserts that all of the pending claims are patentable over the Briggs reference for the following reasons.

At the outset, the Briggs reference is an improper reference. That is, the Briggs reference and Applicant's pending Application respectively reside within two completely different fields of art. Particularly, the Briggs reference is a urine bag. It should be obvious to one who is skilled in the relevant art that a urine bag is designed to receive and contain a liquid, such as urine. Hence, the Briggs invention has two pieces or layers of waterproof material which are sealed together to form a waterproof cavity or waterproof collection receptacle. Applicant's claimed invention requires the use of only one layer of waterproof material (See Applicant at amended Claim 1). Moreover, Applicant's claimed invention is specifically designed to prevent a liquid from entering a

catheter and is specifically designed so as to avoid liquid retention.

It should be appreciated that Applicant's invention has absolutely nothing to do with collecting and containing a liquid. Rather, as should be understood after a reading of Applicant's pending application, Applicant's claimed invention has everything to do with preventing a liquid from entering a catheter.

It should be further understood that the design, purpose, implementation, attachment to a body, and actual usage of Applicant's claimed invention is completely different from that of the Briggs reference. Moreover, if the Briggs reference were adapted to be utilized as a chest catheter water barrier, the two flaps (32) of Briggs would have to be adapted to receive a catheter, thereby completely destroying the flaps (i.e., the flaps 32 of Briggs are solely intended to receive the straps 21, 24) for their intended purpose (i.e., to contain the leg straps 21, 24).

Further, the straps (21, 24) of Briggs would have to be extended, removed from their horizontal "flaps" (32), placed within channels that run in a direction perpendicular to that of the direction of the "flaps" (32) (i.e., channels that run perpendicular to the "flaps 32 would also have to be created, as there are no perpendicular channels anywhere on the Briggs invention), and have their material changed to a material which creates a water tight barrier. None of these modifications are

taught, suggested, or even hinted at within the Briggs reference. Therefore, at the outset, Applicant's undersigned Attorney respectfully asserts that the Briggs reference does not render obvious any of Applicants's pending claims (i.e., it
5 is not obvious to completely alter an invention in order to perform the duties of another invention while concomitantly defeating the very objectives for which the invention was created and implemented). Briggs would have no motivation to completely alter his claimed invention to perform the duties of
10 Applicant's invention, since doing so would sacrifice the very objectives which Briggs sought to perform.

Moreover, The Briggs urine bag could not effectively be utilized for the applications of a chest catheter water barrier because the Briggs urine bag is not adapted to be fastened
15 around an individual's neck as well as the individual's waist. The Briggs reference clearly states that the urine bag is adapted to be fastened around an individual's leg. Therefore, the Briggs urine bag could not be comfortably fastened around an individuals waist and neck, because the straps which are
20 shown within the Briggs reference and which are discussed in great detail within the Briggs reference are far to short to wrap around a user's waist while concomitantly having enough slack to be fastened around the user's neck. Finally, the Briggs straps are not created from a material which would
25 provide a waterproof seal when place against the skin of a user.

The Examiner has rejected Applicant's independent claim 1 (claims 2-3, 5-6, and 8-9 were rejected as well) under 35 U.S.C. 102(b) as being anticipated by Briggs. The Examiner asserts that this reference anticipates all of the limitations of this claim. Applicant's undersigned Attorney respectfully asserts that this reference does not anticipate the new and novel limitations of the amended independent claim 1 for the following reasons.

Applicant's amended claim 1 requires "A catheter water barrier comprising: one layer of waterproof material having a front side, a back side, and two channels along opposing edges of said one layer of waterproof material; a relatively long tie down strip which is disposed through said two channels; and a catheter reception pouch which is formed upon said back side of said one layer of waterproof material, wherein said back side of said one layer of waterproof material is adapted to sealingly abut an individual's skin over a catheter, effective to prevent a liquid from entering said catheter." (See Applicant's amended claim 1) (emphasis added).

These structural limitations are important because, in this manner, Applicant has provided a water barrier which prevents any liquid from entering a catheter. As should be appreciated by one who is skilled in the relevant art, the entry of foreign material, such as water, into a catheter poses many health risks to an individual having a catheter (e.g.,

chest catheter), including but not limited to infection, inflammation, irritation, and potential death.

The Briggs reference does not hint, teach, or even suggest any of these Applicant required limitations. Rather, the Briggs
5 reference teaches only one use for the urine bag and, that use being the collection of urine for use by incontinent men and women having a catheter or other collection tube.

It should be understood that the Urine bag of Briggs is specifically designed to receive a catheter (i.e., the Briggs
10 reference requires that the catheter empty into the bag) while Applicant's invention is made to selectively and removably overlay a catheter and therefore requires and provides a unique form of protection.

Furthermore, anticipation of a claim requires the cited
15 reference, which is used to anticipate the claim, to include or teach all of the limitations of the anticipated claim. However, the Briggs reference does not contain, teach, disclose, or even suggest any catheter barrier, any catheter reception pouch which is formed upon the back side of one layer of waterproof
20 material, or a water barrier which comprises only one layer of waterproof material.

Therefore, for this reason and the reasons which are discussed above in this Response to Office Action, Applicant's undersigned Attorney respectfully asserts that Briggs reference
25 does not anticipate Applicant's amended independent claim 1 or any claim which respectively depends upon claim 1. Applicant's

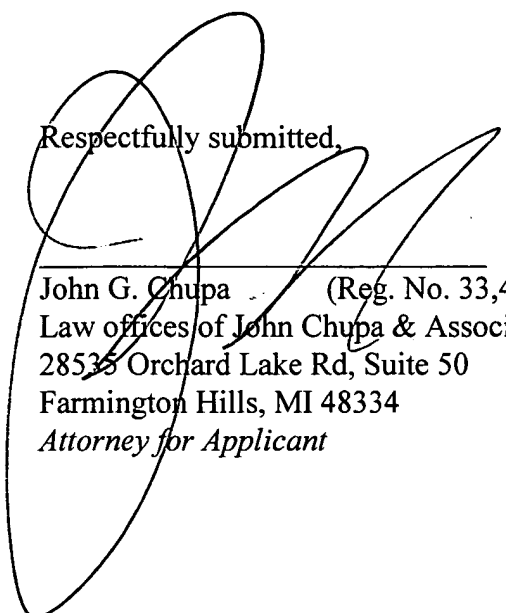
undersigned Attorney, therefore, respectfully asserts that Applicant's independent claim 1 and all claims which respectively depend upon claim 1 are allowable over the Briggs reference.

5 The Examiner has rejected Applicant's dependent claims 4, 7, 10, and 11 under 35 U.S.C. §103(a) as being unpatentable over Briggs. In attempts to spare the Examiner from simple reiteration of arguments, Applicant's undersigned Attorney respectfully asserts that these claims respectively depend upon
10 Applicant's independent claim 1. Therefore, since Briggs does not anticipate Claim 1 (or render obvious Applicant's claim 1), the 35 U.S.C. §103(a) rejections to the dependent claims which respectively depend upon Applicant's independent claim 1 are no longer applicable.

15 For all of these reasons and for the fact that the Briggs reference which was cited by the Examiner neither teaches, discloses, or contains the novel limitations of Applicant's independent claims 1, Applicant's undersigned Attorney respectfully asserts that all claims not cancelled are in
20 condition for allowance. Such allowance is therefore respectfully requested.

If the Examiner has any further questions regarding this matter, the Examiner is invited to call Applicant's undersigned Attorney at (248) 324-7787.

Respectfully submitted,



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